IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4715 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT FOREST PRODUCERS, GATHERERS & FOREST WORKERS UNI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4715 of 2003

MR DS VASAVADA for Petitioner No. 1

MR KAMAL TRIVEDI A.A.G. with MR AD OZA G.P. for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 16/07/2004

ORAL JUDGEMENT

1.0. The petitioner - Union has challenged the order of the Assistant Labour Commissioner, Nadiad dated 30th

December, 2002 whereby the Assistant Labour Commissioner has refused to refer the matter to the Labour Court on the ground that in view of the Supreme Court's Judgment Forest Department is not an "Industry" and, therefore, the Forest Department is not within the purview of the Assistant Labour Commissioner.

2.0. The brief facts of the case are as under :

2.1. The petitioner - Union has filed this petition on behalf of its two members who were working in the Forest Department under the control of Range Forest Officer, Antarsuba and whose services were orally terminated w.e.f. 14th October, 2002. The petitioner thereafter moved the Labour Court by way of Reference under Section 10 of the Industrial Disputes Act, 1947 ("the Act" for short). Respondent no.2 herein, has by its order dated 30th December, 2002 (annexure-A) rejected the petitioners reference on the ground that the Forest Department is not an "Industry". It is this order which is under challenge in the persent petition.

3.0. I have heard Mr. Vasavada learned advocate for the petitioner - Union and Mr. Kamal Trivedi learned Additional Advocate General with Mr. A.D. Oza for the respondents.

3.1. In view of the Full Bench Decision rendered in the case of Gujarat Forest Producers, Gatherers & Forest Workers Union v. State of Gujarat reported in 2004 (2) G.L.H. p.302, the Assistant Labour Commissioner will decide the issue afresh keeping in mind the ratio laid down in the above decision. Therefore the order dated 30th December, 2002 is quashed and set aside. The Assistant Labour Commissioner will decide the issue within two months from the receipt of the order of this Court. Rule is made abosolute to the aforesaid extent.

[K.S. JHAVERI, J.]

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